

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Tdc/Faint

Mailed: April 2, 2008

Opposition No. 91163836

Smartpools Inc.

v.

Green Energy Inc.

Tyrone Craven, Paralegal Specialist:

On September 28, 2007, applicant filed an answer to the opposition and a counterclaim to cancel opposer's pleaded registration(s). Applicant filed the proper fee.

On February 5, 2008, opposer and counterclaim defendant, filed its answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below.¹ In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

¹ The motion for an extension of discovery and trial periods with consent, filed March 27, 2008 is noted. The dates as reset below have taken this motion into consideration. The parties did not, however, account for all of the dates necessary in light of the counterclaim.

THE PERIOD FOR DISCOVERY TO CLOSE: May 26, 2008

30-day testimony period for party
in position of plaintiff in the
opposition to close: August 24, 2008

30-day testimony period for party
in position of defendant in
the opposition and plaintiff in
the counterclaim to close: October 23, 2008

30-day rebuttal testimony period
for plaintiff in the opposition and
defendant in the counterclaim
to close: December 22, 2008

15-day rebuttal testimony period for
plaintiff in the counterclaim to
close: February 5, 2009

**Briefs shall be due as follows:
[See Trademark Rule 2.128(a)(2)].**

Brief for plaintiff in the
opposition shall be due: April 6, 2009

Brief for defendant in the
opposition and plaintiff in
the counterclaim shall be due: May 6, 2009

Brief for defendant in the
counterclaim and its reply brief,
if any, as plaintiff in the
opposition shall be due: June 5, 2009

Reply brief, if any, for
plaintiff in the counterclaim
shall be due: June 20, 2009

If the parties stipulate to any extension of these dates,
the filing should set forth the dates in the format shown in
this order. See Trademark Rule 2.121(d).

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An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.